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10/761,910

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Taku Kodama

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02/22/2008

BLAKELY SOKOLOFF TAYLOR & ZAFMAN

1279 OAKMEAD PARKWAY

SUNNYVALE, CA 94085-4040

EXAMINER

ABDI, AMARA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/761,910 | Applicant(s) KODAMA ET AL. | |
| | Examiner Amara Abdi | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35,36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) 37 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35,36 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>11/30/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response to the last office action, filed December 13, 2007 has been entered and made of record.

2. Newly submitted claims 37 and 42 directed to an invention that is independent or distinct from the invention originally claimed for the following reason:

Claims 35-42 are directed to the following patentably distinct species:

- I. Specie of Figures 10 and 21 corresponding to claims 35-36, and 38-41;
- II. Specie of Fig. 19 corresponding to claims 37 and 42.

The species are independent or distinct because the Specie 1 illustrates a system block diagram showing an image processing system, and a system block diagram showing a structure of an image processing apparatus; the Specie 2 illustrates a system block diagram showing another structure of an image processing apparatus comprising a communication unit (see element 412 if Fig. 19).

Since applicant has received an action on the merit for the originally presentation for prosecution on the merits. Accordingly, claims 37 and 42 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142 (b) and MPEP § 821.03.

3. Applicant's arguments with respect to new claims 35-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35-36, and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al. (US 7,127,117) in view of Khan et al. (US-PGPUB 2001/0050875) and Miled et al. (US-PGPUB 2004/0091158).

(1) Regarding claims 35 and 40:

Sano et al. disclose an image compression method and apparatus (column 1, line 19-20) comprising:

a compression unit (step S1 in Fig. 31) to generate encoded data by dividing an input image into a plurality of divided regions (column 20, line 11-12) and perform a compression process for each of the divided regions (column 20, line 6-7) ;

a storage (101 in Fig. 33) to store the encoded data generated by the compression unit (column 21, line 20); and an expansion unit (S16 in Fig. 32) to expand the encoded data stored in the storage (column 20, line 47-50).

Sano et al. do not explicitly mention the following items:

1) a first setting unit to set one or a plurality of aspect ratios and /or one or a plurality of sizes corresponding to a display unit of the external device;

2) a second setting unit to set one or a plurality of image regions within the input image, having at least one of at least one aspect ratio and at least one size set by the

first setting unit, and to set boundaries of the divided regions subject to the compression process of the compression unit so as to match boundaries of the image regions;

(A) Concerning item 1):

Kahn et al., in analogous environment, teaches a portable information capture devices, where setting one or a plurality of aspect ratios and /or one or a plurality of sizes corresponding to a display unit of the external device (Fig. 7, paragraph [0150], line 1-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Kahn et al., where setting an aspect ration or size, in the system of Sano et al. in order to make the information capture device more convenient to use, and may make synchronization of information /recharging of the device more convenient (paragraph [0080], line 1-4).

(B) Concerning item 2):

Miled et al., in analogous environment, teaches a region-of-interest tracking method and device, where setting one or a plurality of image regions within the input image (paragraph [0084], line 19-21), and to set boundaries of the divided regions subject to the compression process of the compression unit (paragraph [0084], line 15-18) so as to match boundaries of the image regions (paragraph [0064], line 1-4). ("Having at least one aspect ratio and at least one size" was described by Kahn et al.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Miled et al., where setting the image region, in

the system of Sano et al. in order to provide a method and device for tracking at least a portion of an object in a sequence on images (paragraph [0013], line 1-5).

(2) Regarding claim 38:

Sano et al. disclose an image compression apparatus (column 1, line 19-20), (the compression apparatus is read as an image processing apparatus), comprising:

a compression unit (step S1 in Fig. 31) to generate encoded data by dividing an input image into a plurality of divided regions (column 20, line 11-12) and perform a compression process for each of the divided regions (column 20, line 6-7) ;

a storage (101 in Fig. 33) to store the encoded data generated by the compression unit (column 21, line 20); and an expansion unit (S16 in Fig. 32) to expand the encoded data stored in the storage (column 20, line 47-50).

Sano et al. do not explicitly mention the following items:

1) a first setting unit to set one or a plurality of aspect ratios and /or one or a plurality of sizes corresponding to a display unit of the external device;

2) a second setting unit to set one or a plurality of image regions within the input image, having at least one of at least one aspect ratio and at least one size set by the first setting unit, and to set boundaries of the divided regions subject to the compression process of the compression unit so as to match boundaries of the image regions;

(A) Concerning item 1):

Kahn et al., in analogous environment, teaches a portable information capture devices, where setting one or a plurality of aspect ratios and /or one or a plurality of

sizes corresponding to a display unit of the external device (Fig. 7, paragraph [0150], line 1-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Kahn et al., where setting an aspect ratio or size, in the system of Sano et al. in order to make the information capture device more convenient to use, and may make synchronization of information /recharging of the device more convenient (paragraph [0080], line 1-4).

(B) Concerning item 2):

Miled et al., in analogous environment, teaches a region-of-interest tracking method and device, where using an electronic camera (Fig. 1, paragraph [0096], line 1) comprising an image unit pick up of an image (paragraph [0096], line 5-7), and setting one or a plurality of image regions within the input image (paragraph [0084], line 19-21), and to set boundaries of the divided regions subject to the compression process of the compression unit (paragraph [0084], line 15-18) so as to match boundaries of the image regions (paragraph [0064], line 1-4). ("Having at least one aspect ratio and at least one size" was described by Kahn et al.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Miled et al., where setting the image region, in the system of Sano et al. in order to provide a method and device for tracking at least a portion of an object in a sequence on images (paragraph [0013], line 1-5).

(3) Regarding claims 36, 39, and 41:

Sano et al. disclose all the subject matter as described in claim 1 above.

Sano et al. do explicitly mention that the image region is set as a region of interest (ROI) of the compression process of the compression unit.

Miled et al., in analogous environment, teaches a region-of-interest tracking method and device, where the image region is set as a region of interest (ROI) (paragraph [0083], line 12-19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Miled et al., where the image region is set as a region of interest (ROI), in the system of Sano et al. in order to provide a method and device for tracking at least a portion of an object in a sequence on images (paragraph [0013], line 1-5).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information:

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amara Abdi whose telephone number is (571) 270-1670. The examiner can normally be reached on Monday through Friday 7:30 Am to 5:00 PM E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu Jingge can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amara Abdi
02/14/2008

JINGGE WU
SUPERVISORY PATENT EXAMINER

